

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 26TH OCTOBER 2006 / 4TH KARTHIKA 1928

Bail Appl..No. 6239 of 2006()

CMP.7750/2006 of J.M.F.C.-I,NEDUMANGAD
C.R.NO.65/2006 OF NEDUMANGAD EXCISE RANGE.
.....

PETITIONER/1ST ACCUSED

PRADEEP KUMAR @ PRATHI,
S/O.KRISHNANKUTTY, MUDIPPURAVILAKATHU VEEDU,
KIDANGUMUKKU, KOTTAKKAKAM MURI,
ARYANAD VILLAGE, NEDUMNAGAD TALUK.

BY ADV. SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN
SRI.A.S.SABU

RESPONDENTS: STATE

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 26/10/2006, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

J.M. JAMES, J.

Bail Application No. 6239 of 2006

Dated this the 26th October, 2006.

ORDER

Petitioner is the first accused in C.R.No.65/2006 of Nedumangad Excise Range, for the offence punishable under Section 8(1) & (2) of the Abkari Act, as he was found in illegal possession of 44 litres of illicit arrack. Petitioner was arrested on 22.9.2006. He remains in judicial custody thereafter.

2. During the hearing of this application, the learned counsel has brought to my notice, an affidavit dated 22.9.2006, filed before the Judicial First Class Magistrate Court-I, Nedumangad. The averments in the affidavit disclose certain disquiting factors, which points to the fence eating the yields. Law is to be used against the erring persons. But it should not be a weapon to wreak vengeance, if one does not go through the line of thought of a particular person, who is to protect the interest of the public.

3. Therefore, without entering into any discussion on the merit of the matter, I allow this application, grant bail to the petitioner, and release him from jail, on he executing a bond for Rs.25,000/= (Rupees Twenty Five Thousand only) with two solvent sureties, each for the like sum, to the satisfaction of the Judicial First Class Magistrate Court-I, Nedumangad.

**J.M. JAMES,
JUDGE**

nj.